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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,474	11/21/2003	Richard A. Graff	Graff-P2-03	3621
28710	7590	06/20/2005	EXAMINER	
PETER K. TRZYNA, ESQ. P O BOX 7131 CHICAGO, IL 60680			VIG, NARESH	
		ART UNIT	PAPER NUMBER	
		3629		

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/719,474	GRAFF, RICHARD A.
Examiner	Art Unit	
Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 November 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 22 July 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al. US Publication 2003/0225665 hereinafter known as Gross.

Regarding claim 1, Gross teaches a computer apparatus (using any suitable spreadsheet or other computer application) for changing signals to separately value components temporally decomposed from residential property. Gross teaches:

an input device operable for converting input data representing the residential property into input signals representing the input data (e.g. mouse, keyboard etc.).

a computer having a processor (obvious that computer has a CPU to process instructions (obvious that computer has a CPU), the processor connected to the input to receive the input computer signals).

Gross does not teach the processor programmed to change the input signals to produce modified signals representing a separate market-based valuation of each of a plurality of components temporally decomposed from the property, the components including a residential estate for years interest and a residential remainder interest. However, with respect to the recitation in claim 1 defining what kind of data will be generated using a computer system, this is considered to be non-functional descriptive

material that does not distinguish (define) over the applied prior art. Since the instant claims are article claims and the type of data generated is considered to be non-functional descriptive material, the applied prior art satisfies the claim. The prior art stores data and is fully capable of computing the claimed type of data, this is the extent to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gross and load the apparatus with computer program to compute the data as required to meet the business requirements.

As responded to earlier, Gross teaches an output device connected to the processor to convert the modified signals into an illustration including the respective valuation of each of the components.(obvious that a computer system has a display device to display results to the user).

Regarding claim 2, as responded to earlier, Gross teaches at least one of the valuations reflects that there is a terminal rent recovery period for the residential estate for years interest (*In re Gulack*, 217 USPQ 401 (CAFC 1983)).

Regarding claim 3, as responded to earlier, Gross teaches at least one of the valuations reflects that the residential estate for years interest is an augmented estate

for years interest and the residential remainder interest is a complementary remainder interest (*In re Gulack*, 217 USPQ 401 (CAFC 1983)).

Regarding claim 4, as responded to earlier. Gross teaches at least one of the valuations reflects that the residential estate for years interest is an augmented estate for years interest and the residential remainder interest is a complementary remainder interest (*In re Gulack*, 217 USPQ 401 (CAFC 1983)).

### ***Conclusion***

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Examiner  
Art Unit 3629

June 16, 2005